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How Far Could Free Religious Thinking Go? The Case of Johann Rudolf Werdmüller, Zurich 1658

In 1658, Johann(es) Rudolf Werdmüller, a renowned Zurich general and diplomat, was accused of blasphemy. As it referred to essential religious matters, the accusation had a considerable public impact. The court files of the case provide evidence of wider battles over the desirability and nature of religious tolerance. Instead of narrating a case story this analysis suggests a different approach to the history of religion. The sources are not taken as documents expressing a discursive system of philosophical points of view and their appearance in religious polemics. Rather, the court files stand for specific speech acts, i.e. verbal performances in the linguistic sense. Thus, Werdmüller's example is taken to demonstrate that those considered to be blasphemers in the era of confessionalisation did not simply express religious scepticism in the form of "discourses," nor did they rebel against authority figures or resort to forms of magic. Rather, they provoked their society, discussed religious matters, entertained their audience and competed wittingly with those interested in religious issues. In conclusion, it is proposed that the history of religion should not be confined to a history of ideas and religious doctrines but should integrate linguistic approaches.

At the beginning of the twentieth century servants were asked to move into a freshly restored house on the peninsula of Au near Zurich. At first they refused to do so since they explained it was well known in the locality that the house was haunted. A long time ago, the owner of the place had had meetings with the devil in these rooms. Red flashes of light had been seen.¹

The light effects may well have been real. Johann Rudolf Werdmüller who had owned the peninsula in the seventeenth century had installed a smithy in the house which the servants were to call their new home. So prolific were the rumours around this extravagant man that 250 years later the memory of his extravagance was still alive. Who was Hans (Johannes) Rudolf Werdmüller? What had made him so well known? Part of the answer lies in the conflict between Werdmüller and a cousin of his involving accusations of the serious crime of blasphemy. The accusations had a considerable public impact, bringing important religious matters into the spotlight and providing evidence

1. Cf. *Neue Zürcher Zeitung*, no. 1216, 15 September 1918.

of wider battles over the desirability and nature of religious tolerance. These issues have much to say to the history of religion and its attempts to illuminate the attitudes of past societies to religious crimes.

The Antagonists: Thomas Werdmüller vs. Hans Werdmüller

In his own time, Hans Werdmüller was a Zurich VIP. Descended from a family of councillors, heir to an extremely wealthy merchant grandfather, himself an elegant diplomat and renowned general, Werdmüller had often been at the centre of gossip. Not only had he bought a small peninsula off the lake of Zurich, rumour also had it that Werdmüller indulged in a luxurious life style and was a morally dubious man. Two African servants who belonged to the household and proclaimed Werdmüller's extravagance through their exotic appearance. Furthermore, Werdmüller was said to have supernatural powers and to conjure the devil.² It seems Werdmüller was conspicuous for his unorthodox life style, and evidently there were many who envied him his career, wealth, and extravagance.

His cousin Thomas Werdmüller took his opportunity when he saw fit. We do not precisely know why Thomas accused Hans Werdmüller of blasphemy for the first time in 1652. We can only speculate that he felt jealous of Hans's successful military career and subsequent public reputation, but Thomas was to fail in this intrigue. For the time being, the secular authority (the council or court) did not pursue the case further.³ Thomas, however, was not a man to give up. He must have realised that General Werdmüller's social and political standing was severely weakened after he had lost a crucial battle against the Catholic cantons in the war of Villmergen in 1656 and, as a result, had preferred entering the French services to returning to Zurich. For the following two years of General Werdmüller's absence Thomas Werdmüller insistently reaccused his cousin of blasphemy and denounced him once more to the court.

This time, in the case which opened in 1658, the council could not brush the accusations aside so easily. Hans Werdmüller had repeatedly been denounced by his cousin *als ein Atheist, ja Gots lesterer, der einweders seine religion nicht verstande oder gar wol gar kein religion hab . . .* as his wife explained in her petition to the council.⁴ The church, the court and the accused had no option but to address and resolve the case. Hans Werdmüller at first remained abroad to avoid prosecution but finally returned to Zurich in 1658 to stand before the court. The court files offer us a welcome chance to ask what a publicly prominent person was allowed to think and say in religious matters during this period. Was Hans Werdmüller a victim of intrigue? Was he an unorthodox free thinker or a provocative blasphemer? To answer these questions means to characterise how far one could go in public religious debates in a society which had seen decades of bloody conflicts over the one and only true Reformed faith.

2. Cf. L. Weisz, *Die Werdmüller. Schicksale eines alten Zürcher Geschlechts*, vol. 2 (Zurich: Schultheß, 1949), 226–46.

3. For a narrative of the case cf. O. A. Werdmüller, *Der Glaubenszwang der zürcherischen Kirche im 17. Jahrhundert. Eine kirchenhistorische Skizze* (Zurich: Schultheß, 1845), 13–36.

4. Translation: "As an atheist, a blasphemer of God, who either did not understand his religion or perhaps did not have any religion at all." Zentralbibliothek Zurich (ZBZ), MsB.159, fol. 20r, petition Anna Werdmüller, 8 December 1657, 20r.

The Authorities: Council and Church

Religious matters like blasphemy were as much a hybrid public and private affair in early modern Zurich as elsewhere in Europe.⁵ It is significant that the conversations Thomas Werdmüller used to accuse Hans Werdmüller had happened during important social events. In his first denunciation Thomas claimed his cousin had made indelicate religious remarks at a dinner given for the induction of the new bailiff Escher. In his second attack in 1657 Thomas claimed his cousin had used blasphemous arguments in a conversation with a minister at a wedding dinner in the famous Zurich inn *Zum Rüden*. The concept of public scandal was obviously important to both accuser and defendant alike in Zurich at this time.

But what exactly did Thomas accuse Hans Werdmüller of? We are in the dark as to the incident of 1652. None of the documents that would otherwise illuminate this intriguing incident have survived. By the end of 1658 however the case had become so contentious that the council requested the representatives of the Zurich clergy to write a report (dated 1659). Compared to other known cases this was quite exceptional and underlines the prominence of this particular case. Given the situation and Werdmüller's high social profile, the clergy obviously tried to tread carefully. The theologians (whose identity we do not know) took great care to comment on the points one by one.⁶ In other cases, the church representatives merely stated and then categorised the points listed in the charge (generally they were dealing with just a few critical utterances). In Werdmüller's case the charge turned around the precise theological evaluation of the utterances, and the discussion of his own arguments in self-defence. With this exceptional report a document has come down to us which enables us to explore three perspectives. The summary account of the charges reflect what witnesses deposed against Werdmüller, i.e., what effect his controversial words had on his listeners and what they considered of lasting importance. Werdmüller's own responses to the charges show how the educated General sought to justify his words to the authorities. Finally, the report reveals the classification and thinking used by the spiritual authorities, as well as the nature of the space they granted the laity for theological discussions. We can thus approach daring religious thinking without being "reduced" to a history of ideas and religious doctrines. The sources are not taken as documents expressing a discursive system of philosophical points of view and their appearance in religious polemics of the time. The court files rather document the practice of what one could say in early modern Zurich society. They stand for specific speech acts.⁷

5. Historical studies on the practice of blasphemy are still lacking. Most historians approach blasphemy as an intellectual phenomenon. For a detailed discussion of this problem cf. F. Loetz, *Mit Gott handeln. Von den Zürcher Gotteslästerern der Frühen Neuzeit zu einer Kulturgeschichte des Religiösen* (Göttingen: Vandenhoeck and Ruprecht, 2002). A revised and abridged version of the book is planned to appear in English during 2009.

6. All the following passages referring to the report are from the version as it has come down to us under Staatsarchiv Zurich (StaAZH), E. II. 97, 1247–1269. Further documents identical in contents but slightly different in form can be found in Zentralbibliothek Zurich (ZBZ) under: A.124b, fol. 472–478v; MsB.215, fol. 5v–10r; MsJ.304, fol. 346–362v; MsP.2077, no. 7, 1–22.

7. The concept of speech act is taken from pragmatic linguistics as it was developed by J. L. Austin, *How to Do Things with Words* (Oxford: Oxford University Press, 1969). For a full discussion of the application of this concept to historical sources cf. F. Loetz, "Sprache in der Geschichte. Linguistic Turn vs. Pragmatische Wende," *Rechtsgeschichte*, 2 (2003): 87–103.

The Accusation of Blasphemy: Points of Contention

Religious discussion was not simply a popular subject for a strident yet good-natured row over a drink in a tavern. “*Religionsdiscurse*” were also conducted in polite society, as evidenced by Anna Werdmüller’s petition of 1657.⁸ Her husband General Werdmüller, well known beyond the borders of the region, had repeatedly been challenged in high society by educated, quibbling people to discuss delicate theological questions. He had all too frequently risen to the challenge, Anna Werdmüller stated. This had been unavoidable for him on such social occasions since he was a high-ranking representative of Zurich. Rather than repeating common and simple opinions, he had gathered expert information from far and wide in order to offer a sturdy defence of the Reformed faith. We do not need to discuss whether this is an accurate picture of Hans Werdmüller’s behaviour. It is sufficient here to note that in polite society religious controversies were a traditional element of the art of conversation. A refined response to more or less open religious sneers was expected. So let us see what the conversation at the inn was about.

It was not petty matters Thomas Werdmüller and the witnesses who supported his denunciation had brought before the court. The clergy report enumerates essential dogmatic issues, set out in thirteen points. Instead of following the linear structure of the document it pays to consider the arguments on the basis of the categories the report implicitly makes use of: namely what was to be seen as godless but not blasphemous, what was blasphemous but unproven, what was merely irritating conversation and finally what was to be declared blasphemous and therefore unacceptable.

What was godless but not blasphemous? In only one point did Werdmüller confirm important aspects of the accusation against him. He was of the opinion that the Helvetic confession was incomplete and needed amendments. As a soldier who had been in French service, he will have had concrete reasons for his criticism. Should he pray on his knees together with his French co-religionists or not? Werdmüller had found no answer to this in the text of the confession and had drawn attention to this absence. In his defence, however, Werdmüller did not refer to the charge that he had questioned the binding character of the Helvetic confession. He had commented on the text, but not as an intellectual stating his position in matters of religious politics or confessional formation. Rather, Werdmüller spoke as a Zwinglian encountering a concrete problem in his confessional life. This line of argument seems to have convinced the reporting clergy. They stated Werdmüller had used *ungeschickt*, *ja gottlose red* but could not find any blasphemy in his remarks.⁹

What was blasphemous but unproven? Here the clergy steered a very careful course, and decided to leave several points open. The witnesses had claimed that Hans Werdmüller had insulted Moses and Paul. He had said Moses and Paul were drunkards who had been self-indulgent, whilst Moses had also cheated his people. In principle, the clergy agreed, this was blasphemy, but

8. Cf. MsB.159, fol. 20r, petition Anna Werdmüller, 8 December 1657.

9. Translation: had used “awkward, indeed godless language.”

Hans Werdmüller explained he had only presented a heretical point of view in order to discuss it fully. He thereby referred to the traditional formal genre of public religious *disputationes* which ran through church history. The clergy decided he should be believed on this occasion. But what about the accusation that Hans Werdmüller had carelessly thrown a Bible on the floor when someone had tried to quote biblical counterarguments? The clergy implicitly accepted Werdmüller's denial when they concluded that the witnesses' statements were too imprecise to be taken into account, however, the question of the resurrection raised by Werdmüller was far too serious to be brushed aside by the clergy. Hans Werdmüller was supposed to have claimed that only the soul would be resurrected. Werdmüller was repeating earlier arguments that were heretical, supposedly to confront their logic. He defended himself by saying he had only referred to heretical views he had read about in order to urge his opponents on and thus to make the value of the orthodox views clear through debate. The clergy agreed that such views were heretical, stating that this concept of resurrection was a "Saduccean heresy," however, since the accusation was based on the witness testimony of *einfaleten Persohnen* ("simple individuals") it was not to be trusted and was therefore considered unproven. We can conclude from this line of argument that the clergy accepted informal "disputations" between laity and theologians provided the laity were sufficiently theologically informed.

What was regarded as merely irritating conversation? The clergy were critical of Werdmüller's taste for joking about religious matters. He claimed for example to have said in jest, in the presence of a marshal and his wife, that women would not be saved. The marshal had enjoyed this remark, but his wife had not. Werdmüller had then asked the wife whether she believed that women would go to heaven with the characteristics they had on earth. On hearing that she did indeed believe this, he had answered that women would certainly have to change on their way to heaven. She too was guilty of the female sin of trying to control her husband, instead of being obedient to him as the Bible required. He had repeated this kind of joke several times, Werdmüller admitted.¹⁰ He claimed that bigamy and adultery were not sins and must have had his fun teasing the couple in a style corresponding to the tastes of high society. He affirmed before the court he had simply been joking, yet the authors of the report declared they were not amused. Still, they put the point aside and let Werdmüller's by now standard and familiar defence stand on its own.

What was blasphemous and unacceptable? Theological judgement of Werdmüller was more outspoken when it came to issues that had been traditionally labelled throughout history as heresies.¹¹ It was unacceptable to

10. This passage is not written out in the report but is to be found in Werdmüller's statement of 3 February 1659 under (ZBZ) Msc. B215, 6.

11. Theologically, heresy was defined as "wrong" belief, blasphemy as "bad" belief. Cf. W. Trusen, "Rechtliche Grundlagen des Häresiebegriffs und des Ketzerverfahrens," in *Ketzerverfolgung im 16. und 17. Jahrhundert*, ed. S. Seidel Menchi (Wiesbaden: O. Harrassowitz, 1992), 1–20. In practice however the boundary between them was fluent.

suggest that the trinity consisted of a single *persona*, that Christ incorporated the love of God the Father and that the Holy Ghost incited men to do good, a view contrary to the Bible and the Helvetic confession. The accused ought not to have aired this dormant heretical doctrine, the report outlined. The same applied to the use of the term *hypostasis* for *persona* which had provoked unnecessary conflicts in the history of the church. Werdmüller, it was argued, should not have repeated these heretical ideas. This was also true of the infidel argument that the Bible was not true and authentic holy scripture. Instead of presenting the unbeliever's doubts about the truth of the prophets, the apostles and the epistles of John, Werdmüller should have upheld that the Bible was indeed holy scripture. Evidently the theologians were concerned to avoid scandal for Werdmüller and let him off with a stark warning. They accepted his defence that in heretically denying the trinity he had intended to set his listeners thinking. In doing this the church showed some understanding of the apparent "pleasure of disputation" on the part of an erudite, sometimes playful, intellectual believer. The clergy were adamant that such theological debates were to be restricted to educated people, however. *Einfalten Persohnen* ("simple individuals") could not be relied on, as their imprecise and unreliable witness statements demonstrated. Other witnesses too had only been able to remember that issues around some difficult theological questions had been discussed. Who, after all, could distinguish between a Latin *persona* and a Greek *hypostasis* and meaningfully differentiate various heretical positions? The report's conclusions thus left no doubt that discussions of such matters were reserved for specialists, namely the educated and theologians alike.

What was true of numerous past heresies was also valid for contemporaneous positions which the clergy report found to not be in conformity with the Helvetic confession. The accused should not have discussed whether prayers were not to be addressed to Christ nor to the Holy Ghost but to God alone. Werdmüller's excuse was that he had adopted a point widely defended by French protestantism as his own. The clergy had clarified the theological points and instructed Werdmüller on his error, as a result of which he now professed to know better. Yet again, the theologians found a way out of convicting the General of blasphemy. They severely criticised him as someone who had been theologically too adventurous, entering into religious controversies and making conversational jokes about life in heaven. He had presented heretical views and shown dubious taste, but he was not yet a blasphemous.

There were, however, limits to religious tolerance. The clergy's diplomatic attitude did not go so far as to blur the line between what might be tolerated and what was absolutely intolerable. It was perfectly clear that the Reformed religion was the only true faith. Nobody could enter the kingdom of heaven who did not believe nor trust in Christ according to the Reformed confession. Evidently Werdmüller did not share this point of view. In his defence he presented the unorthodox tolerationist and proto-freethinking argument that true Christians should not condemn anyone. For him the crucifixion narrative demonstrated that even criminals could be saved, and he had concluded from

this that there must be different paths to heaven. Hans Werdmüller had obviously allowed himself free rein to think about theological issues on his own initiative. But he proved to be unaware of the limits he strained against as he finally admitted he must have misunderstood the biblical message. In the end the report stated that Werdmüller had “talked in a dangerous, unreflected and irritating way” but that he now fully realised his error. Once more the dangerous accusation of blasphemy was evaded. The report thus argued that whilst Werdmüller might be free to ask theological questions, he had gone further than on previous occasions and was not at liberty to answer on his own with opinions contrary to the official confession.

The mention of the so-called “Sadducean heresy” raised an issue the clergy were unwilling to assess in their report. When Hans Werdmüller had claimed that “only Christ counts” for resurrection he had reiterated the heresy. Again Werdmüller explained he had only wanted to discuss a heretical view in order to reject it. Tellingly, the theologians were prepared to follow his line of argument. Werdmüller had committed a blasphemy, they concluded, but unintentionally. Here too the clergy managed to state firmly what was to be believed and what was heretical or blasphemous, but stopped short of finding Werdmüller guilty of intentional, provocative blasphemy. They thus made daring discussion of theological issues possible without throwing the doors open to an era of tolerance.

The Urge to Debate: Hans Werdmüller between Entertainment and Interrogation

As we have seen, Hans Werdmüller did not refrain from making social conversation around religious matters. He assumed his witticism about women not entering heaven would be taken as an entertaining joke. His assumption cannot have been totally wrong. The sources do not mention anything about witnesses shocked by Werdmüller’s sense of humour. Religion was a serious matter indeed, but discussion of it did not exclude the possibility of laughter.

Intellectual discussions could be attractive too. Hans Werdmüller, the educated Reformed diplomat, knew his church history well, as his thorough detailed knowledge of the debates running through church history shows. Among the many “disputants” who can be traced in taverns of his time,¹² one can characterise Hans Werdmüller as an educated man who typically enjoyed a deep intellectual discussion. He was also keen to know who had the best arguments and whose was the sharpest mind. To risk bold theological discussion meant to demonstrate one’s rhetorical and intellectual capacities amongst a small group of knowledgeable people. It is telling that, according to minister Felix Wyß, with whom Werdmüller had “disputed” at the inn and who had been interrogated as a witness in the case, Werdmüller had made his points “in a quiet place,” away from the wedding guests, so as not to annoy

12. Cf. Loetz, *Mit Gott handeln*, 374–407. Comparable results are to be expected in a Ph.D. thesis in progress: R. Schifferle, “Gotteslästerung in der Stadt Basel 1674–1798. Ein Werkstattbericht”, *Basler Zeitschrift für Geschichte und Altertumskunde* 105 (2005): 131–55.

anyone. Contrary to what we might expect of free-thinkers, Werdmüller had not tried to attract any public attention nor to provoke any scandal.

Hans Werdmüller was not only a man of entertaining conversation and intellectual debate. He also struggled with his faith. To kneel or not to kneel, this was a question which must have been a crucial one to him. The *confessio helvetica*¹³ did not give any indications, but he had served in the French army and thought he knew differently. What should he do? Was he not to be mistaken for a Catholic if he joined his French co-religionists? Similar questions of practicing faith were not uncommon in premodern Zurich. As far as we can tell from judicial documents, points of social contact were privileged places of religious controversies. Convinced Reformed Christians met convinced Catholics, questioning believers asked for another believer's opinion, while churchgoers readily and openly discussed the theological content of sermons. Religious doctrines like the trinity, the phenomenon of Christology and life after death were issues that were publicly talked about often, for example, around a table at an inn. To express one's views on such issues was obviously delicate but was nonetheless possible without being immediately charged with religious heresy or blasphemy.¹⁴

Werdmüller argued before the court that he had tried to clarify the orthodox Reformed creed by discussing heretical views, intending to prove these views wrong. It must be admitted that Werdmüller's line of argument was the only strategy he could choose to convince the court of his innocence. He could not simply deny speaking the words, since it seems too many people were prepared to offer witness testimony against him. Still, it is quite likely Werdmüller was really convinced of the value of what he was doing: trying to approach and confirm Zwinglian faith through sustained and convincing debate. He admitted he had misunderstood some passages of the Bible and presented himself as someone open to the clergy's exposition and elaboration of doctrine. There are good reasons to believe Werdmüller since he must have been a fervent if questioning Christian. His wife at least underlined in her petition that he had convinced his Muslim servants to convert to Protestantism. Being a faithful Christian couple, neither her husband nor she had ever had to present themselves before the consistory.¹⁵ Minister Wyß confirmed that Werdmüller was a committed Christian who cared about his church. Nothing dubious had been discussed during their conversation. On the contrary, Werdmüller had remarked that psalm singing should be encouraged during the services. Otherwise people would sing them in taverns and profane them. Similarly he thought organs should be reintroduced in the Reformed service to underline the sacred character of psalm singing. Werdmüller had also made some

13. In terms of doctrine, the confessionalisation of the Reformed cantons in Switzerland was based largely on the *confessio helvetica posterior* of 1566. In these articles of faith, Zwinglians and Calvinists converged on the question of the Lord's Supper, distancing themselves from the Lutherans. For theological detail cf. E. Zsindely, "Confessio Helvetica Posterior," in *Theologische Realenzyklopädie*, vol. 8 (Berlin and New York, NY: W. de Gruyter, 1981), 169–73.

14. For a summary discussion in English cf. F. Loetz, "How to Do Things with God. Blasphemy in Early Modern Switzerland," in *Ways of Knowing*, ed. M. Lindemann (Boston, MA: Brill Academic Publishing, 2004), 137–51.

15. Cf. MsB.159, fol. 20r, petition Anna Werdmüller, 8 December 1657, 20v.

suggestions about how sermons could be made more attractive and easier to follow.¹⁶ Was Werdmüller less than honest when he claimed he had not disrespected the Bible nor thrown it away in anger, nor had he insulted Moses and Saint Paul? We certainly cannot prove it, but it seems quite unlikely that such a convinced believer would so readily have taken the actions ascribed to him.

Werdmüller Finally Condemned: How and What For?

Werdmüller evaded punishment at first by going abroad for some time, hoping the matter would be laid to rest in his absence. His hope was not fulfilled. The council decided in the end, on the basis of the clergy report, that Werdmüller's talk had happened *inn keiner bößen intention und zu keinem bößen ennde . . . , daß er doch darmit zu vil gethan*.¹⁷ The report had condemned his controversial standpoints as *gefährlich, ärgerlich und verführerisch*, as *unbesinnt, unerbaulich, leichtfertig und türkisch*, even as *atheistisch und gotloß*.¹⁸ The judgement of his character, however, was more restrained. The clergy did not accuse him outright of heresy and/or blasphemy but, more cautiously, stated that the defendant's views were inexcusable, that his habit of theological dispute was unacceptable and finally that his *gefährliche[r] Religionsdiscurs* ("dangerous religious discourse") could not be tolerated.

This was sufficient for the court to find him guilty: not of blasphemy but of intolerable *Religionsdiscourse*. It did not pronounce the biblically prescribed death penalty for cases of blasphemy but imposed on the wealthy General a heavy fine of 1,200 pounds, to be paid in cash and without delay. The respected General was also spared having to give a public recantation. In place of this usual shame punishment in one of Zurich's city churches, he was privileged by begging pardon "alone" in front of the secular and ecclesiastical authorities. The sentence demonstrates the ambivalence of the court towards Werdmüller. He received a harsh punishment for his daring and theologically subtle views but, thanks to his social standing and his political connections, he was shown a degree of leniency in the sentence and was protected from public humiliation and other shame punishments the councillors could have chosen. In the end Hans Werdmüller, whose behaviour had gone quite far by early modern standards, was never actually found guilty of blasphemy.

Thinking Freely in Religious Matters: Hans Werdmüller and Confessionalisation in Switzerland

Werdmüller's case has to be placed in a specific situation of tense confessional rivalry within Swiss political and religious history. What is it that Werdmüller's contemporaries related to when they heard theological arguments like his? They would make the link with politics: the Swiss Confederation was

16. Cf. (ZBZ) Msc P, 2077, no. 7, 1–2r.

17. The talk had happened "with no bad intention or ill purpose, but had gone too far." B.II.504, fol. 63–65, Hans Rudolf Werdmüller, 27 April 1659 (the reference to B II.505 and B II.507 in O. A. Werdmüller, 61 is wrong).

18. "dangerous, annoying, misleading, not thought through, based on superficial and heathen premises — atheistic and without belief in God."

characterised by an alliance system of 13 cantons¹⁹ but the relations between the members were marked by fundamental political and religious tensions. Bern and Zurich in particular sought to exert political influence on neighbouring Catholic cantons, provoking opposition and hostility.²⁰ Following several armed conflicts, the second Peace of Kappel in 1531 brought agreement on a number of principles, with some local variants permitted. Thus, with very few exceptions, the Peace of Kappel in 1531 drew the confessional map of Switzerland.²¹ In West Switzerland, where the second Peace did not apply, Bern and Geneva fought fiercely against the Duke of Savoyen in the 1530s. Following his defeat in 1536, and under the influence of the Reformers Guillaume Farel and Jean Calvin, much of West Switzerland converted to the Reformed faith. In the seventeenth century, there was open conflict in Glarus between the Reformed majority and the Catholic minority. In the end, neither confession triumphed. Instead, the Treaty of Baden in 1632 laid down that a court with equal Catholic and Reformed membership should decide in confessional matters. The third peace of 1656 confirmed the arrangement of 1531, as did the fourth peace of 1712. Political pragmatism was to dominate, the primary concern being the security of the Confederation. This pragmatism finally dominated in Zurich too when the magistrates found a way to deal with Werdmüller without having to banish him or to sentence him to death.

Confessionalisation was not only driven by ecclesiastical and political developments. The subjects or believers played their part by provoking each other confessionally, thus breaking the ban on defamation laid down by the authorities in the Peace.²² Current research, as yet thin on the ground, reveals that these provocations took various forms. The large number of conflicts of

19. These comprised, in chronological order of membership: Uri, Schwyz, Unterwalden, Lucerne, Zurich, Glarus, Zug, Bern, Freiburg, Solothurn, Basle, Schaffhausen, and Appenzell.

20. On these characteristics of the Swiss Reformation and confessionalisation, cf. B. Gordon, *The Swiss Reformation* (Manchester: Manchester University Press, 2002); U. Gäbler, Schweiz: *Theologische Realenzyklopädie*, vol. 30 (Berlin and New York, NY: W. de Gruyter, 1999), 690–703; K. v. Greyerz, Switzerland: in *The Reformation in National Context*, ed. B. Scribner, R. Porter, and N. Teich (Cambridge: Cambridge University Press, 1994), 30–46; P. Stadler, "Eidgenossenschaft und Reformation": in *Säkulare Aspekte der Reformationszeit*, ed. H. Angermeier (München–Wien: Oldenburg 1983), 91–99; R. Pfister, *Kirchengeschichte der Schweiz. Von der Reformation bis zum 2. Villmerger Krieg* (Zurich: Theologischer Verlag, 1974); A. Würzler, *Eidgenossenschaft, Konfessionalisierung und Ende (151–1798)*. [Cited 11 February 2005.] Available from URL: <http://www.hls-dhs-dss.ch/textes/d/D26413.ppt>.

21. Every canton was free to decide its own confession. Subjects adhering to the other confession were forced either to convert or to leave. Zurich, Bern, Basle, and Schaffhausen became Reformed, while Lucerne, Uri, Schwyz, Unterwalden, Zug, Solothurn, and Freiburg remained Catholic. Appenzell divided itself in 1597 into the Catholic "Inner Rhoden" and the Reformed "Outer Rhoden." Glarus developed a system based on equality. The Mandated Members mostly retained both confessions, though the Reformed side suffered disadvantages. Some places however broke with this principle in the course of adjusting their boundaries. Cf. on Schaffhausen R. E. Hofer: "Nun leben wir in der gefährlichsten Zyt," *Prolegomena zu einer Geschichte Schaffhausens im konfessionellen Zeitalter*, *Schaffhäuser Beiträge zur Geschichte*, 72 (1995): 66f.

22. What is known as religious defamation has been focused on as the object of political conflict. There is as yet limited understanding, however, of confessional provocation as a form of social action. Cf. D. Hacke, "Zwischen Konflikt und Konsens. Zur politisch-konfessionellen Kultur in der Alten Eidgenossenschaft des 16. und 17. Jahrhunderts," *Zeitschrift für Historische Forschung* 32 (2005): 575–604; Hofer, "Prolegomena," 36–45. On the issue of confessional conflict in everyday life as a desideratum of research, cf. Hofer, *Uepiggess, unzünftiges Lebewesen, Schaffhauser Ehegerichtsbarkeit von der Reformation bis zum Ende des Ancien Régime (1529–1798)* (Bern et al.: Peter Lang, 1993), 27.

honour between private individuals that have found their way into court records show that in answer to confessional reproaches it was wise to present oneself as a respectable individual. There is also evidence that confessional disputes could turn into small-scale religious disputations. In such cases, opponents were anxious to use the articles of faith as doctrinal evidence of the superiority of their own confession. The intellectual level of such theological disputes varies, but it is striking that the opponents argued over doctrinal issues with great seriousness, even if they were not as educated as Hans Werdmüller.²³

Officially Catholics and Protestants alike could not tolerate anything within their states which was incompatible with their creed.²⁴ The prevalence and impression of the hard line required to produce confessionalisation has induced us to consider the early modern period to be an era of absolute intolerance, and in particular an age extremely hostile to free thinking. The persecution of Severtus or Besozzi readily come to mind.²⁵ The evidence, however, provided here gives an alternative perspective. Hans Werdmüller's spectacular case as well as the many other cases of quarrels over the right to engage in minor "disputations" show that church and secular authorities allowed the disputants at least some space for thought and verbal action. Provided they were knowledgeable, the church did not object to people contemplating various heretical or blasphemous positions. The purpose of such practice was restricted however to ultimately confirming Reformed doctrine. Someone like the respected Hans Werdmüller who expressed unorthodox ideas might evade corporal or other shame punishments because of his social standing, but would still have to expect severe sanctions for stepping beyond the boundaries of the acceptable.

It is difficult to tell from the sources what attitude the secular authorities generally took to the problem of blasphemous "disputations." In most cases the sentences are not given, suggesting that the judiciary may have waived punishment. The secular authorities could be quite lenient, as evidenced by the cases in which the punishments for blasphemy and verbal insult are the same. When religious utterances went beyond the bounds of "common" usage, on the other hand, extremely severe punishments were meted out. Judicial policy in the Zurich council apparently sought to deal quite tolerantly with the frequent "regular" infringements, and to treat sensational cases according to the social prestige of the defendants. Hans Werdmüller's case

23. On the issue of confessional slant in such provocations, exemplified in cases of blasphemy, cf. Loetz, *Mit Gott handeln*, 272–340.

24. The political problems which confessionalisation caused to the cantons in their mutual relations have been recently analysed by D. Hacke, "Zwischen Konflikt und Konsens. Zur politisch-konfessionellen Kultur in der alten Eidgenossenschaft des 16. und 17. Jahrhunderts," *Zeitschrift für Historische Forschung* 32 (2005): 575–604. The practice of confessionalisation in Switzerland and the Netherlands is discussed in: A. Holenstein, T. Maissen, and M. Praak, eds., *The Republican Alternative. The Netherlands and Switzerland Compared* (Amsterdam: Amsterdam University Press, 2008).

25. Cf. J. Friedman and Michael Servetus, *The Oxford Encyclopedia of the Reformation*, vol. 4 (New York, NY and Oxford: Oxford University Press, 1996), 48f.; Besozzi, *Dizionario biografico degli Italiani*, vol. 9 (Rome: Istituto della Enciclopedia Italiana, 1967), 672–75.

shows, as in many other less high-profile cases, that religiously daring utterances by no means automatically entailed death sentences or severe corporal punishment.²⁶

It was witnesses who made cases known and accused speakers of blasphemy. It is obvious in Werdmüller's case that some did so for other than religious motives. Nonetheless the authorities were careful to distinguish such motives from genuinely religious issues. This is probably the reason why the council did not find Hans Werdmüller guilty of blasphemy but of pushing his disputations too far. It is likely this would have been different had he been a less influential man and had he done what others would do in other countries in later centuries. Hans Werdmüller never presented his questions in public speeches:²⁷ He was an intellectual who talked freely of his religious convictions as a private interlocutor but not as a public speaker who tried to convince a crowd of heretical doctrines or the need to change the existing Helvetic confession. He provoked people and expected a certain sense of humour of them, but he did not intend to question the religious or social system. As long as this was the case, court and church were willing to let people discuss religious matters for the sake of the true faith. A Reformed Christian of Zurich was not imprisoned in a narrow world of single, uniform religious thinking, he — we hardly hear anything of women in the court archives — could go a certain distance in asking questions, but witnesses and authorities defined precisely how far he could go in doing so.

Going Further: For a Broadened History of Blasphemy

The history of blasphemy tends to oscillate between a history of intellectual discourses and a history of facile use of expressions of anger. Historians like Georges Minois take blasphemous discourses as sets of intellectual systems and try to trace networks of thinking and processes of intellectual reception.²⁸ This approach to the history of blasphemy reduces blasphemy to philosophical thinking. Others like Lucien Febvre have tried to find out about past experience (mentalities) and tackled the question of whether the denial of God was an option in early modern Europe. It has turned out, however, that mentalities are something blurred and extremely difficult to analyse satisfactorily.²⁹ Instead historians interested in the practice of blasphemy have turned their attention to swearing and cursing, especially focussing upon the relationship of both to gambling. While some take cursing and swearing to be a trivial but

26. This is an idea often based on the mistaken assumption that the sentences practised by the authorities corresponded to the legal norms as they were described in legislation and devotional manuals or handbooks.

27. In contrast to Reformation history or the history of some unorthodox groups, historical research on the Swiss history of free religious or blasphemous speaking is very poor so that no additional bibliography can be offered.

28. Cf. G. Minois, *Histoire de l'athéisme. Les incroyants dans le monde occidental des origines à nos jours* (Paris: Fayard, 1998). For examples in English: M. Hunter and D. Wootton, eds., *Atheism from the Reformation to the Enlightenment* (Oxford: Clarendon, 1992).

29. Cf. L. Febvre, *Le problème de l'incroyance au XVI^e siècle. La religion de Rabelais* (Paris: A. Michel, 1942). For a thorough criticism of the concept of "histoire des mentalités" cf.: Y. Conry, "Combat pour l'histoire des sciences. Lettre ouverte aux historiens des mentalités," *Revue de synthèse* 111/112 (1983): 363–406.

effective outlet for anger,³⁰ others suggest far-reaching psychological interpretations. By cursing and swearing players not only expressed uncontrolled anger but referred to a “dissident” religious system rooted in “popular culture” which was somehow related to the religion of the “elites.”³¹ Other historians like Maureen Flynn or Eva Labouvie take this argument further and draw a direct line from verbal formulas of magic to blasphemy.³² Sometimes psychoanalysis is involved when the verbal assaults are interpreted as transcendental challenges to a parental authority figure.³³

The question here is not whether L. Febvre was right or not to claim that early modern Europe lacked the conceptual framework to support atheism. My point is that approaches to blasphemy have been too narrow and too speculative so far. Blasphemy is neither simply an intellectual product, nor is it just a verbal triviality nor a psychological side effect of gambling. In Zurich, for example, we have hardly any indications about swearing and cursing related to game players or gamblers. Blasphemous words were obviously not restricted to gambling. The analysis of Hans Werdmüller’s case has demonstrated clear and viable alternative explanations. Those considered as blasphemers in their time did not simply express religious scepticism in the form of pamphlets or “discourses,” nor did they “simply” rebel against authority figures or resort to forms of magic. Rather, they provoked their society, discussed religious matters, entertained their audience, and competed intellectually — i.e., they gave a verbal performance. So we should not only debate whether and why we prefer Saussure’s, Habermas’s or Foucault’s concepts of discourse and how they apply to our sources. We should also dismiss the idea that blasphemous utterances are just a trivial phenomenon. We should refrain, too, from risking psychoanalytical interpretations that may seem speculative. What we should do is to take our sources as products of speech acts in the linguistic sense. We will then discover more Werdmüllers and take a different view of the history of (verbal) blasphemy. In short, through such considerations we could crucially enrich our approaches to the history of religion.

30. G. Hughes, “Schismatic Vituperation. The Reformation,” in *Swearing. A Social History of Foul Language, Oaths and Profanity in English*, ed. G. Hughes (Oxford and Cambridge, MA: Blackwell, 1993), 91–100; A. Montagu, *The Anatomy of Swearing* (London: Macmillan, 1967).

31. J. Edwards, “Religious Faith and Doubt in Late Medieval Spain. Soria circa 1450–1500,” *Past and Present*, 120 (1988): 18–25.

32. M. Flynn, “Blasphemy and the Play of Anger in Sixteenth-Century Spain,” *Past and Present* 149 (1995): 39f; E. Labouvie, “Verwünschen und Verfluchen. Formen der verbalen Konfliktregelung in der ländlichen Gesellschaft der Frühen Neuzeit,” in *Der Fluch und der Eid. Die metaphysische Begründung gesellschaftlichen Zusammenlebens und politischer Ordnung in der ständischen Gesellschaft*, ed. P. Blickle and A. Holenstein (Berlin: Duncker & Humblot, 1993), 121–45.

33. Flynn, “Blasphemy,” 51; J. Favret-Saada, “Rushdie et compagnie. Préables à une anthropologie du blasphème,” *Ethnologie française*, 22 (1992): 251–60.